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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,353	09/26/2006	Laurent De Volder	BVC-112	4654
20028	7590	03/14/2011	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	
			NOTIFICATION DATE	DELIVERY MODE
			03/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@patlawfirm.com

Office Action Summary	Application No. 10/594,353	Applicant(s) DE VOLDER, LAURENT	
	Examiner LEO T. HINZE	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) 26,27,29-35 and 37, 38, 40-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 28, 36, 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 December 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 25, 28, 36, and 39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25, 28, 36, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claims 25 and 36, it is not clear what quantity is represented by the term "significant" in line 1. Applicant argues on p. 9, line that DeVolder is only suitable for product which "vary slightly" in size. However, no reasonable determination can be

Art Unit: 2854

made of what quantity constitutes a “significant variation,” and/or how a “slight” variation would be different from a “significant” variation.

b. Claims 28 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: those which are required to patentably distinguish the claimed “apertures” from that structure of the claimed piece holder that actually holds the piece.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25, 28, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVolder, WO 92/05960 (hereinafter DeVolder) in view of Wilson, US 1,928,715 A (hereinafter Wilson).

a. Regarding claim 25:

DeVolder teaches a device for linear pad printing products with significant variations between them (12, Fig. 10; “objects which may also slightly vary in size and which have been put in their container in an irregular way,” p. 1, lines 27-28) by means of a linear pad (8, Fig. 9), said device comprising: a cliché (“transferred from a printing block,” p. 1, lines 4-5), at least one

Art Unit: 2854

pad with a primary guide provided for a main movement of the at least one pad (primary guide 14, Fig. 10) and which provides for a movement function (pad must be moved from position where it is inked on cliché to position where it prints on products, Fig. 10), and at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring (spring 10, Fig. 9, acts as a secondary guide), wherein said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (spring 10 arranged axially with 8, Fig. 9, and can guide pad while preventing a “substantially” angular deflection, depending upon the condition and position of the product).

DeVolder does not teach wherein the secondary guide comprises a spring arranged around a shaft.

Wilson teaches at least one pad with a primary guide provided for a main movement of the at least one pad (primary guide is the operator who operates handles 8 and 9, Fig. 1; pad 21, Fig. 2) and which provides for a movement function (“operator grasps the handles 6 and 7 by grips 8 and 9, positions the frame over the filler of eggs, and presses down,” p. 1, lines 58-60), and at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring arranged around a shaft (secondary guide 18 and

Art Unit: 2854

28, Fig. 2), wherein said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (see movement in parallel direction of pads 21, Fig. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify DeVolder to include a shaft inside the spring, as taught by Wilson, because this could predictably provide more stability of movement of the pad, which stability could result in more accurate printing of the product.

b. Regarding claim 28, the combination of DeVolder and Wilson teaches the device according to claim 25, as discussed in the rejection of claim 25 above. The combination of DeVolder and Wilson also teaches wherein a piece holder for receiving the products to be printed (DeVolder: 11, Fig. 10), wherein said piece holder is provided with apertures provided therefore (DeVolder: piece holder 11 appears to have individual apertures for each individual product 12, Fig. 10), the products to be printed can be taken up by the piece holder (DeVolder: see placement of products 12 in product holder 11, Fig. 10), the position and the orientation of the product relative to a printing unit can be brought in correspondence with the aperture which is necessary for printing the image through the aperture at the appropriate position on the product (DeVolder: it appears that images are printing on the objects 12, and the products appear to have been brought in correspondence with the aperture of holder 11 which is necessary for printing the image at the appropriate position on the product, Fig. 10).

c. Regarding claim 36:

Art Unit: 2854

DeVolder teaches a method for linear pad printing products (12, Fig. 10) with significant variations between them (“objects which may also slightly vary in size and which have been put in their container in an irregular way,” p. 1, lines 27-28) by means of a pad (8, Fig. 9), comprising: applying printing material is applied on a cliché (“transferred from a printing block,” p. 1, lines 4-5) according to a determined pattern, bringing at least one pad and a cliché into a mutual contact position from a rest position by means of a primary guide (primary guide 14, Fig. 10; “transferred from a printing block,” p. 1, lines 4-5), wherein the printing material is taken up by the at least one pad from the cliché (in order for the pad to print on the object, ink is taken up from the cliché by the pad), and when taking up said printing material, at least one additional secondary guide axially buffers the contact between the at least one pad and the cliché (secondary guide 10, Fig. 9), after the taking up of said printing material the at least one pad is moved in a deposit position (as the cliché and object to be printed each must occupy their own space, the pad must be moved in order to receive ink from a cliché and then deposit it on the object), an image corresponding to said printing material taken up by the at least one pad is deposited on the product to be printed (“text or such is transferred from a printing block onto an object,” p. 1, lines 4-5), said at least one secondary guide axially buffers contact between the at least one pad and the products to be printed, accounting for differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring (“the tampon, in particular the printing surface, is automatically positioned on the right place of the object,” p. 2, lines 13-14; spring 10 allows pad 8 to conform to the object, Fig. 9), and the at least one secondary guide is arranged axially and externally with respect to the at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of

Art Unit: 2854

movement of the primary guide while preventing substantial angular deflection of the at least one pad (spring 10 arranged axially with 8, Fig. 9, and can guide pad while preventing a “substantial” angular deflection, depending upon the condition and position of the product), and after the image is deposited, said at least one pad is moved back to its rest position (pad 8 prints on objects 12, Fig. 10, and the moves away from object 12).

DeVolder does not teach wherein the secondary guide comprises a spring arranged around a shaft.

Wilson teaches at least one pad with a primary guide provided for a main movement of the at least one pad (primary guide is the operator who operates handles 8 and 9, Fig. 1; pad 21, Fig. 2) and which provides for a movement function (“operator grasps the handles 6 and 7 by grips 8 and 9, positions the frame over the filler of eggs, and presses down,” p. 1, lines 58-60), and at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring arranged around a shaft (secondary guide 18 and 28, Fig. 2), wherein said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (see movement in parallel direction of pads 21, Fig. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify DeVolder to include a shaft inside the spring, as taught by

Art Unit: 2854

Wilson, because this could predictably provide more stability of movement of the pad, which stability could result in more accurate printing of the product.

d. Regarding claim 39, the combination of DeVolder and Wilson teaches the method according to claim 36, as discussed in the rejection of claim 36 above. The combination of DeVolder and Wilson also teaches wherein a piece holder for receiving the products to be printed (DeVolder: 11, Fig. 10), wherein said piece holder is provided with apertures provided therefore (DeVolder: piece holder 11 appears to have individual apertures for each individual product 12, Fig. 10), the products to be printed can be taken up by the piece holder (DeVolder: see placement of products 12 in product holder 11, Fig. 10), the position and the orientation of the product relative to a printing unit can be brought in correspondence with the aperture which is necessary for printing the image through the aperture at the appropriate position on the product (DeVolder: it appears that images are printing on the objects 12, and the products appear to have been brought in correspondence with the aperture of holder 11 which is necessary for printing the image at the appropriate position on the product, Fig. 10).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
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03 March 2011
March 10, 2011

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